

CITY OF IRVING

COUNCIL RESOLUTION NO. RES-2014-393

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION I. THAT the City Council hereby approves the attached Rules of Procedure dated November 13, 2014.

SECTION II. THAT this resolution shall take effect from and after its final date of passage, and it is accordingly so ordered.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on November 13, 2014.



BETH VAN DYNE
MAYOR

ATTEST:



Shanae Jennings
City Secretary

APPROVED AS TO FORM:



Charles R. Anderson
City Attorney



CITY OF IRVING CITY COUNCIL
RULES OF PROCEDURES

SECTION I.
AUTHORITY

1.1 Article IV, Section 15 of the Charter of the City of Irving provides that "the city council shall determine its own rules of procedure." Further, Article IV, Section 13(a) of the Charter provides that the "city council shall have all powers necessary and incident to the proper discharge of the duties imposed upon it." In order to provide the framework for the execution of these powers and authority, the following set of rules shall be in effect upon their adoption by the City Council and until such times as they are amended or new rules adopted in the manner provided for by these rules.

SECTION II.
GENERAL RULES

2.1 Meetings to be Public. All meetings of the City Council shall be open to the public, with the exception of Executive Session.

2.2 City Council. For purposes of these rules, the collective membership of the Mayor and City Councilmembers shall be known as the City Council. Individually, each shall be referred to as Mayor or Councilmember.

2.3 Quorum. Five (5) voting members of the City Council shall constitute a quorum.

2.4 Minutes of Meetings. An account of all proceedings of the City Council shall be kept by the City Secretary and shall be entered in a book constituting the official record of the City Council. The Official City Council Minutes are action minutes and provide the action taken by the City Council and a summary of subjects discussed.

2.5 Questions to Contain One Subject. All questions submitted for a vote shall contain only one subject. If two or more points are involved, any Councilmember may require a division, if the question reasonably admits of a division. Division shall be required only on the affirmative vote of three (3) Councilmembers. If no division is so requested and approved, or the questions do not reasonably admit of a division, the question shall be submitted as originally framed.

2.6 City Manager. The City Manager, or designee, shall attend all City Council meetings unless expressly excused. The City Manager may make recommendations to the City Council and take part in all discussions of the City Council, but shall have no vote.

2.7 City Attorney. The City Attorney, or designee, shall attend all regular meetings of the City Council unless expressly excused and, shall upon request give an opinion, either written or oral, on questions of law during the meeting. The City Attorney shall act as the City Council's Parliamentarian. The City Attorney shall give an opinion, either written or oral, on questions of law to the City Manager or designated representative, during the course of daily affairs of the City. The City Attorney may make recommendations to the City Council and take part in all discussions of the City Council, but shall have no vote. The City Attorney shall confer and discuss with a Councilmember or the Mayor regarding a question of law pertaining to the affairs of the City. In such event, the City Attorney shall advise the City Manager of the question posed and information provided. The City Manager shall forward the information to the full City Council as soon as reasonably practical.

2.8 City Secretary. The City Secretary, or designee, shall attend all meetings of the City Council unless expressly excused, and shall keep the official minutes and perform such other duties as may be requested by the City Council.

2.9 Employees. Any employee of the City, when requested by the City Manager, shall attend any meeting of the City Council and, if requested to do so by the City Manager, such employee may present information relating to matters before the City Council. Members of the City Council may request presentations by staff and/or particular staff members, but the City Manager will determine the staff spokesperson for providing information, for a particular agenda item, at the City Council meeting.

2.10 Executive Session. All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, may be deemed confidential and by law, and participants authorized to attend Executive Sessions are not required to make public disclosure concerning the matters discussed in Executive Session. It shall be the policy of the City Council that the Mayor, individual Councilmembers, the City Manager, City Attorney, City Secretary and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters where the information has not been released to the general public. The presiding officer may be authorized to issue a statement regarding confidential matters upon approval of same by the City Council. Violations of this procedure shall be enforced in accordance with the Ethics Policy and practices as adopted by the City Council. For the opening and closing of an Executive Session, the Mayor shall do such at the location as noted on the official agenda notice posted in compliance with the Texas Open Meetings Act. For purposes of regular agenda meeting postings, the opening and closing of an Executive Session shall be done in the Council Conference Room of City Hall.

When the City of Irving is involved in litigation or a legal dispute, Councilmembers shall not comment on settlements, appeals, or other issues related to the subject until the matter is resolved. The City Attorney shall be authorized to provide any public responses or comments, as needed on matters involving litigation.

SECTION III. TYPES OF MEETINGS

3.1 Regular Meetings. The City Council shall meet as provided in Art. IV, Section 14 of the Irving City Charter. The City Council shall determine whether or not to continue its meeting for additional time at or near 12:00 midnight if further items are on the agenda and have not been considered. The call for and conduct of all meetings of the City Council, both regular and special as provided in Section 3.2 hereof, shall be in accordance with state law. City Council meetings scheduled in advance in at least 6 month calendar segments as promulgated by the City Secretary and meet the 72 hour posting requirement of the Texas Open Meetings Act shall be the regular meetings of the Irving City Council. Regular meetings recessed to the following business day without the requirement of readvertising shall be considered a regular meeting.

3.2 Special Meetings. Special meetings of the City Council shall be those meetings which are not regular meetings. Special meetings may be called by the Mayor, or any three (3) Councilmembers, or the City Manager. The call for a special meeting shall be documented and filed with the City Manager, with copies to the City Secretary and the City Attorney, and shall be in written form (including e-mail), except that announcement of a special meeting, during any regular meeting at which all Councilmembers are present, shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day and the hour of the special meeting, shall list the subject or subjects to be considered and a Public Notice shall be posted at least 72 hours before the meeting is scheduled to begin. The City Attorney shall draft the language to be in the posted notice of the meeting. The agenda for any special meeting shall include a designation of the person(s) who called such meeting. In accordance with state law, the notice to the public of an emergency meeting must be posted at least two hours before the meeting is scheduled to begin. An emergency meeting exists only if immediate action is required of a governmental body because of an "imminent threat to public health and safety" or a "reasonably unforeseeable situation" and/or state law.

3.3 Recessed Meetings. Any meeting of the City Council may be recessed to a later time provided that no recess shall be for a longer period than until the next regularly scheduled City Council meeting. Such recess shall be held upon the approval of the vote of a majority of the City Council. Additional notice shall be posted in accordance with the Open Meetings Act for any recess beyond the next business day.

3.4 Work Session Meetings. Work session meetings may be called by the Mayor, any three (3) Councilmembers, or the City Manager for the purpose of discussing in depth, investigating or exploring matters of interest to the City, without formal action being taken thereon by the City Council. The time, place, and purpose of such work session meeting shall be stated in a notice complying with the Texas Open Meetings Act. Such work session meetings may be held in any appropriate location inside or outside the City Hall upon concurrence by any three (3) Councilmembers or as determined by the City Manager. Such work session meetings may include, but shall not be limited to, meetings with neighboring governmental bodies or agencies, meetings with one of the City's appointed boards, commissions, or committees, meeting with civic organizations or a meeting for Councilmembers to research, evaluate, explore, investigate, or discuss any matter of interest or possible action affecting the City, subject to compliance with the provisions of the Texas Open Meetings Act.

The City Council may establish regular work session meetings immediately prior to regular City Council meetings. In conjunction with the regularly scheduled City Council meeting, a Pre City Council work session shall be held at 1:00 p.m., the Wednesday prior to the regular City Council meeting, unless otherwise specified. The agenda for the City Council work session meeting shall include, among other items: routine reports, information related to the regular agenda items, and issues for which the City Manager seeks direction or clarification.

SECTION IV.

CONDUCT OF MEETINGS

4.1 Presiding Officer. The Mayor, if present, shall preside at all meetings of the City Council and enforce these rules and procedures during a meeting. The presiding officer shall make decisions on questions of procedure subject to review respectively by the City Council as a whole. Following a decision of the presiding officer on a question of procedure, any two Councilmembers may be entitled to appeal the decision to the City Council as a whole by the making and the seconding of an appeal.

In the absence of the Mayor, the Mayor Pro Tern shall preside. In the absence of the Mayor and Mayor Pro Tern, the Deputy Mayor Pro Tern shall preside. In the absence of the Mayor, Mayor Pro Tern, and the Deputy Mayor Pro Tern, the presiding officer shall be the next available City Councilmember beginning with Place 1, and progressing up in consecutive order until a replacement is seated.

4.2 Call to Order. The meetings of the City Council shall be called to order by the presiding officer.

4.3 Motions. The following motions are available to be made:

Main Motion. A subject shall be introduced by a main motion. The presiding officer shall seek a motion on the agenda item, but in the absence of any such motion, the presiding officer may make a motion. Once seconded, no other topics should be taken up until after the motion is disposed of in accordance with these Rules, provided that the Council may consider a Motion to Postpone to a Time Certain, a Motion to Table Indefinitely, a Motion to Call the Question or a Motion to Amend prior to disposition to the main motion. The Main Motion may be modified at the initiative of the movant and the concurrence of the Councilmember who seconded the Main Motion.

Second. Any motion requires a second or it dies for lack of a second. A presiding officer may second a motion.

Motion to Amend. This motion amends the main motion and does not need the concurrence of the movant or member seconding the main motion. The presiding officer may make a Motion to Amend. Once seconded, the Motion to Amend shall be taken up before the main motion. The Motion to Amend is debatable and requires a majority vote of the members present for passage. If the Motion to Amend is passed, then the Council shall dispose of the amended main motion as it would any other main motion. If the Motion to Amend does not pass, the Council returns to considering the original main motion.

Motion to Table or Postpone to a Time Certain. This motion requires that consideration of the main motion be delayed until a certain, stated time for, among other reasons, obtaining more information. A future date certain shall be set when the subject is considered. This motion is debatable and requires a majority vote of the members present for passage.

Motion to Table or Postpone Indefinitely. This motion postpones consideration of the main motion in such a way that the issue being discussed may be taken up at an unspecified, later date when a majority of the members present vote to "call it from the table." This motion is not debatable and requires a majority vote of the members present for passage. The Open Meetings Act must be followed in posting the issue or case when it is called from the table.

Motion to Call the Question. This motion is made to end discussion that has become lengthy, repetitious, or futile. When seconded, the presiding officer immediately calls the vote on the question of closing the discussion. This motion is not debatable and requires a majority vote of the members present for passage. If a motion to call the question is approved, any Councilmember who has not yet been heard shall be allowed up to three (3) minutes to comment on the item prior to a vote.

Motion to Reconsider. The Council may reconsider a vote during the same meeting on motion by a member who voted on the prevailing (winning) side of the issue. This motion is debatable and requires a majority vote of the members present for passage. If that vote is affirmative, a second vote is held on the issue to be reconsidered.

Frivolous or Delaying Motions. The presiding officer shall not entertain any motion that is frivolous or clearly made for purpose of delay.

Point of Order, Questions and Inquiries. A point of order may be raised at any time and supersedes any issue being discussed at the time. No second is required for a point of order and no debate is allowed. The presiding officer shall rule on the point of order before proceeding. One dissatisfied with the ruling may appeal to the Council for a final decision, which appeal must be seconded. The appeal is debatable and the presiding officer may participate in the debate without giving up the chair. A majority of no votes is necessary to reverse the ruling. Motions to Table, to Table Indefinitely or to Call the Question or appeal of a ruling thereon, shall be considered as Points of Order and must be addressed immediately without proceeding to further business.

Whenever necessary, advice may be asked as to correct procedures or facts may be requested. The presiding officer shall respond to the question or refer it to the proper person.

Motion to Adjourn. At the conclusion of business, the presiding officer may declare the meeting adjourned without waiting for a motion, but a member may move to keep the meeting open in order to make a motion to reconsider or to ask that an item be placed on a future agenda or a member may move to adjourn. When the meeting is adjourned by vote of the body, the meeting is immediately halted.

4.4 Preservation of Order. The presiding officer shall preserve order and decorum, prevent clash of personalities, or the impugning of Councilmembers' motives to occur and confine Councilmembers in debate to the question under discussion.

4.5 Points of Order. The presiding officer shall determine all points of order as provided for in Section 4.3 above, subject to the right of any Councilmember to appeal to the City Council.

4.6 Questions to be Stated. The presiding officer shall state all questions submitted for a vote and announce the result.

4.7 Substitution for Mayor. The Mayor may call the Mayor Pro Tern, or in the Mayor Pro Tern's absence, any other Councilmember to take the Mayor's place in the meeting chair, such substitutions not to continue beyond meeting adjournment.

4.8 Amendment to the Minutes. Amendments to the Minutes are made by a motion during the item to consider approval of the minutes. The Minutes are action minutes and provide the action taken by City Council and a summary of subjects discussed. If a Councilmember desires that certain information be included in the minutes, the Councilmember shall state prior to the information, "For the record." If it is a lengthy statement, a written copy shall be provided to the City Secretary.

4.9 Written Correspondence. The City Council is not obligated to provide for a reading of correspondence into the public record on behalf of an absent individual as part of a City Council public hearing. The correspondence is provided to City Council and is included in the City Council agenda packet.

4.10 Video Conferencing. A member of the City Council may not attend a meeting of the City Council or a Council Committee by videoconference call under Section 551.127, Texas Government Code, unless such attendance is specifically approved for a specific date by resolution of the Council.

SECTION V.

AGENDA

5.1 Preparation of Agenda.

- A. The order of business of each meeting shall be as contained in the City Council agenda prepared by the City Manager. The agenda shall be a listing by topic of subjects to be considered by the City Council, and, in the case of regular meetings, shall be delivered to the City Council not less than 72 hours proceeding the Thursday evening meeting to which it pertains.
- B. The presiding officer will be able to place any item on an agenda at their discretion. Similarly, upon the written request, including e-mail, of any three Councilmembers, a requested item shall be included on an agenda. Resolution No. 10-23-97-650 is superseded and replaced. Such requests by either the presiding officer or three Councilmembers should be submitted to the City Manager not later than 4:30 p.m. on the Thursday seven days prior to regular City Council meeting. Item requests received after said Thursday may be posted as addenda to the Council Agenda. Once an agenda item has been requested per the above, such agenda item can only be removed from the agenda by the person(s) who requested the item.
- C. Items Omitted from Agenda. Any item not appearing on the agenda shall not be taken up for discussion as a matter of City Council business during a regular meeting unless it is of an emergency nature as authorized by the Texas Open Meetings Act and comes to the City's attention too late to appear on the agenda. Such special, urgent, or emergency issues shall be posted in compliance with the Texas Open Meetings Act and the City Charter and may be added as a supplemental item to the regular agenda.

- D. The City Manager shall provide the City Council with a written analysis of and recommendation of items to be acted on by the City Council at its meetings. These communications shall be generally referred to as agenda packets. The agenda packets for all regular meetings shall be electronically delivered to the City Council by the Friday preceding the date of the next regular meeting to which it pertains, unless an emergency condition makes it necessary to deliver the communication on a subsequent day.
- E. The City Secretary shall post notices of all City Council meetings in order to afford compliance with the Texas Open Meetings Act.

5.2 Consent Agenda. In preparing the agenda, the City Manager shall give consideration to the number and degree of complexity of items to be considered by the City Council for the purpose of conserving the City Council's time in meetings. Items which are anticipated to be routine and require little or no discussion by the City Council shall be listed under the agenda category styled "Consent Items." Prior to taking up the Consent Agenda, the Mayor shall determine if there are any items thereon which should be removed from the Consent Agenda for discussion. Any Councilmember may, upon request, remove any item from the Consent Agenda for discussion and separate action. Thereafter, all remaining Consent Agenda items may be acted upon by a single motion approving the Consent Agenda. Items removed from the Consent Agenda shall be considered on the ending resolution, which is for action not otherwise approved.

5.3 Oral Presentations by City Manager. Matters requiring the City Council's attention or action which may have developed since the deadline for delivery of the agenda packets may, upon approval of the City Council, and after satisfying the requirements of the Texas Open Meetings Act, be presented orally by the City Manager, or designated staff.

5.4 Citizen Participation at Meetings.

- A. Presentations by citizens must be confined to the agenda item being considered and any questions will be directed to the presiding officer. Citizens wishing to speak shall be allowed to speak, provided prior to the consideration of the item; said person completes and delivers to the City Secretary a Speaker's Card providing name, address and topic. Speaker cards shall be completed at the Council meeting and must be turned in prior to 7:00 p.m. Any person wishing to speak on a zoning case shall be sworn in prior to speaking. Persons wishing to express their position on an agenda item but who do not wish to speak shall complete a Speaker's Card and indicate their support or opposition. The name and respective position of such person(s) shall be read into the record. A person who has not completed the Speaker's Card prior to discussion of the item on the agenda shall not be allowed to speak. Presentation by citizens shall be limited to a time period of not more than three (3) minutes with one (1) additional minute to conclude, at the option of the presiding officer or the consent of the City Council, for each speaker. The

applicant in any zoning case will be allowed up to twenty (20) minutes to make their presentation. Any time spent by the City Council will not be counted against the citizen's time allotment. No person shall speak more than the time limits provided herein on any subject unless there is an exception supported by a majority of those eligible to vote. The presiding officer shall not be obligated to recognize a speaker for a second comment on a subject.

- B. Following a request by a Councilmember, the presiding officer may request that the City Council re-open the public hearing after the public hearing has been closed. Such public hearing may be re-opened upon the approval of a majority vote of the City Council.
- C. As a general rule, citizens may not participate in discussions of the City Council except when recognized by the Mayor or upon consent of the majority of the City Council and during citizen presentations, public hearings, and as otherwise provided for in these Rules.
- D. Once public input is closed, the matter shall be returned to the City Council for discussion, questions, deliberation, and action. Any Councilmember is entitled to ask questions of any person in attendance at the meeting.
- E. Citizens' Forum will be placed near the beginning of the City Council's agenda and be televised, unless otherwise established by the City Council. The placement and whether or not Citizens' Forum is televised is subject to the will of a majority of the City Council. Items which may precede the Citizens' Forum include an invocation, the pledge of allegiance and organizational service announcements, proclamations, announcements, and special recognitions. Citizens may speak on items not on the agenda under the item "Citizens' Forum Regarding Items Not On The Agenda." The presentation time period is limited to a period of not more than three (3) minutes. Comments under this item shall be limited to non-agenda items and shall not be used by citizens as an additional comment period for agenda items. The Citizens' Forum near the beginning of the City Council's agenda shall not exceed 30 minutes in length. The Council may hear the balance of any speakers for the Citizens' Forum at the conclusion of the posted agenda. Speakers who have spoken within the last ninety (90) days shall go after other forum speakers.

5.5 City Council Committee Meetings. In the absence of a quorum, the Chair of a Council Committee shall be able to approve the minutes of a committee meeting at which the Chair was in attendance.

SECTION VI.
DECORUM AND DEBATE

6.1 Decorum and Debate.

When a measure is presented for consideration to the City Council, the presiding officer shall recognize the appropriate staff or Councilmember to present the case, as needed.

- A. Councilmember desiring to speak shall address the presiding officer and, upon recognition by the presiding officer, shall confine discussion to the agenda item under discussion. When two or more Councilmembers wish to speak, the presiding officer shall name the Councilmember who is to speak first. No member of the City Council shall interrupt another while speaking except where called to order by the presiding officer or by another Councilmember to make a point of order or to make a point of personal privilege, or unless the speaker chooses to yield to questions from another member.

If a Councilmember is called to order while he/she is speaking, he/she shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled not to be in order, he/she shall remain silent or shall alter his/her remarks so as to comply with rules of the City Council.

As a point of courtesy, no Councilmember should leave the remainder of an incomplete City Council meeting while in session with the intent of not returning without advising the presiding officer.

- B. The City Council is committed to conducting its business in a courteous, reasonable, and respectful manner. In that spirit, the City Council acknowledges that each member shall be entitled to speak and ask questions on any agenda item, and that in doing so, each Councilmember shall be mindful and respectful of each other's time and perspective. The Mayor shall not be obligated to recognize any Councilmember for a second comment on the subject or amendment until every Councilmember wishing to speak has been allowed a first comment. A complaint that a Councilmember's questions or comments have become excessive, redundant, repetitive, or otherwise may be made as a point of order as provided in Sections 4.3 and 4.5.
- C. Questions from speakers to the City Council with request for an immediate answer, except the applicants and persons representing applicants on platting or zoning cases, shall be prohibited. A Councilmember's questions to speakers should be to specific individuals and the presiding officer should explain to those individuals beforehand that they may come to the podium and answer if they choose to; but, they cannot offer additional unsolicited input or engage in question and answer sessions with Councilmembers.

- D. No Councilmember shall be permitted to indulge in personalities, use language personally offensive, impugn motives of Councilmembers, charge deliberate misrepresentation, or use language tending to hold a member of the City Council, the public, or City staff up to contempt.
- E. Citizens shall observe the same rules of propriety, decorum, and good conduct as the City Council. The Mayor shall not permit unrecognized speaker's comments or allow a member of the audience to indulge in personalities or use language tending to hold the City Council, the public, or City staff up to contempt.
- F. A speaker shall not present an argument on a matter previously considered by the City Council at the same session.
- G. No person shall make personal, impertinent, or slanderous remarks. Any person who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the security officer is so directed by the presiding officer, and such person shall be barred from further audience before the City Council during that session of the City Council.
- H. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the presiding officer.
- I. No signs, posters, or placards will be allowed at City Council meetings. Any such signage shall be removed by the security officer.
- J. The presiding officer shall exercise control over persons who disrupt the meeting, violate these Rules, or disregards the presiding officer, in the following ascending order of action:
 - a. Call the person to order, advising that person of the infraction.
 - b. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.
 - c. Order the person to leave the meeting. If the offending person is a member of City Council, the presiding officer shall call for a vote on the expulsion of that Councilmember from the meeting, and such vote requires a majority for adoption.

A police officer may remove an individual or individuals for disrupting a meeting as authorized by Texas Penal Code Section 42.05.

When the Mayor fails to maintain order and decorum, the Councilmembers may compel the Mayor to enforce this provision following due parliamentary procedure, which affirms such compulsion by a majority vote of the City Council.

SECTION VII.

PROCEDURES FOR CITY COUNCIL APPOINTMENTS

7.1 Procedures for City Council Appointments. City Council appointments shall be made in accordance with the Ethics Policy and any applicable City ordinance. Unless otherwise restricted by law, the City Council shall retain full discretion to make appointments and to remove and replace appointees.